REMARKS

By this Amendment, Applicant amends claims 1, 3-6, 8, 13, 15-17, 19, and 20. Claims 1-20 remain currently pending.

In the Office Action, the Examiner rejected claims 1, 13, and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1, 3, 8, 9, 13, 15, 17, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Publication No. JP09-190306 to Mochizuki ("Mochizuki") in view of U.S. Patent No. 5,680,227 to Picard ("Picard"); rejected claims 2, 4-6, 14, 16, 18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Picard and Japanese Patent Publication No. JP10-098605 to Kondo et al. ("Kondo"); and rejected claims 7 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Picard and U.S. Patent Application Publication No. 2002/0101443 to Yamaguchi et al. ("Yamaguchi").[1] Applicant respectfully traverses the rejections under § 112 and § 103.

Regarding the rejection under 35 U.S.C. § 112

Applicant respectfully traverses the Examiner's rejection of claims 1, 13, and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner alleges that "Applicant claims 'a third transmission of data having the first identification information not corresponding to the second identification information of the command', which is confusing during reading because the word 'data' has no preference on whether it is the same as 'data' and 'the data' represents throughout the claims or it is a totally different piece of data." (Office Action at 2) Applicant respectfully disagrees.

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

However, to expedite the prosecution of this application, Applicant has amended claims 1, 13, and 17 to recite "a third transmission of second data having the first identification information not corresponding to the second identification information" (emphasis added), to ensure compliance with Section 112. Accordingly, Applicant respectfully requests withdrawal of the Section 112 rejection of claims 1, 13, and 17.

Regarding the rejections under 35 U.S.C. § 103

Applicant respectfully traverses the Examiner's rejection of claims 1, 3, 8, 9, 13, 15, 17, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Picard, because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

Independent claim 1, as amended, recites a combination including, for example, "a second control unit configured to control the transmission unit to start a second transmission of the command if the input unit inputs the second instruction and the transmission unit has completed transmitting the first data, to control the transmission unit not to start the second transmission if the transmission unit has not completed transmitting the first data, and to control the transmission unit to interrupt a third

transmission of second data having the first identification information not corresponding to the second identification information of the command and to start the second transmission if the transmission unit is transmitting the third transmission of the second data and the transmission unit has completed transmitting the first data." Mochizuki fails to teach or suggest at least these features of amended claim 1.

Mochizuki discloses that "a control part 112b directly transfers the control command of the printer 160 to the controller 150 with no intervention of the area 113. Therefore, the control command is sent to the printer 160 in preference to the image data." Mochizuki, abstract. Mochizuki teaches "transmitting the control command of a printer to a printer directly, without minding a spooler field, by giving priority to control command over image data," or transmitting the control command to the spooler field to be transmitted. See machine translation of Mochizuki, paras. [0037] and [0048]. However, Mochizuki's high priority control command does not constitute the above listed elements of amended claim 1.

The Examiner alleges that "Mochizuki teaches a transmission apparatus (100 of Fig. 1) comprising: . . . a second control unit . . . (paragraph 0005, conventional printing process with a first in first out, FIFO, queue, explained below). In a FIFO queue, there is a bunch of data (D) and their corresponding command (C), e.g. D1, C1, D2, C2, D3, C3, etc., waiting to be transmitted. It would have been obvious to one of ordinary skill in the art to recognize that the transmission unit can start a transmission of C1 only if instruction to transmit C1 is inputted and D1 is already out of the queue. But if D1 is still in transmission/queue, C1 transmission cannot be started. Once D1 transmission is completed, C1 can start transmit and D2 (third transmission) has to **wait (interrupted)**

even if instruction to start the third transmission is inputted." (Office Action at 3-4, emphasis added) Applicant respectfully disagrees.[2]

As indicated by the Examiner, a FIFO is a first in first out queue. Thus, a latter entry in the queue cannot interrupt a prior entry. That is, the prior entry cannot be interrupted and merely waiting to be transmitted is not being "interrupted." Thus, Mochizuki's teaching of a FIFO does not constitute "to control the transmission unit to interrupt a third transmission of second data having the first identification information not corresponding to the second identification information of the command," as recited in amended claim 1. In fact, in FIFO queues, data is merely output in the order of arrangement, regardless of identifiers contained in the data.

Further, the Examiner sets forth a FIFO queue example of D1, C1, D2, C2, D3, C3, ... (C indicating a command, and D indicating data). In this case, data and commands are queued in the order of 1) D1, 2) C1, 3) D2, 4) C2, 5) D3 and 6) C3. Namely, each data item is transmitted before the corresponding command, and hence command C1, for example, cannot be output before data D1. Therefore, such teaching of a FIFO queue cannot constitute "to start the second transmission if the transmission unit is transmitting the third transmission of the second data and the transmission unit has completed transmitting the first data," as recited in amended claim 1 (emphasis added).

Moreover, in the FIFO, the order of transmission is fixed, no corresponding identifications need to be included in data or command. Therefore, Mochizuki in fact

---

[2] Applicant notes that the explanation given by the Examiner cannot be found in Mochizuki. To be completely responsive, Applicant discusses Mochizuki with respect to the explanation given by the Examiner.

teaches away from "the command having second identification information for identifying the first data corresponding to the command," as recited in amended claim 1.

Therefore, for at least the above reasons, Mochizuki fails teach or suggest at least the above listed features of amended claim 1. Picard fails to cure the deficiencies of Mochizuki.

The Examiner alleges that "Picard teaches sending data to be printed with the associated command data (column 3 lines 46-48), which implies identification and correspondence between data and command." (Office Action at 4.) Applicant respectfully disagrees.

In the cited paragraph, Picard explicitly states "[a] signal . . . is also sent . . . in order to invite the computer 3 to send its data to be printed, with the associated command data, defining the manner in which the said data are to be printed." Picard, column 3, lines 46-48. Thus, Picard merely teaches sending the data along with the command. Such mere mention of sending both data and command does not constitute "the command having second identification information for identifying the first data corresponding to the command," as recited amended claim 1.

Further, even assuming Picard teaches identification and correspondence, which it does not, Picard still fails to teach or suggest at least the features of amended claim 1 discussed with respect to Mochizuki.

Therefore, neither Mochizuki nor Picard, taken alone or in any reasonable combination, teaches or suggests all elements recited by amended claim 1. A *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 1. Because claims 3, 8,

and 9 depend from claim 1, either directly or indirectly, Applicant also requests withdrawal of the Section 103(a) rejection of claims 3, 8, and 9 for at least the same reasons stated above.

Further, independent claims 13 and 17, as amended, while of different scope, include similar recitations to those of amended claim 1. Claims 13 and 17 are therefore also allowable for at least the same reasons stated above with respect to amended claim 1. Applicant also requests withdrawal of the Section 103(a) rejection of claims 13 and 17 and their respective dependent claims 15 and 19.

Applicant respectfully traverses the Examiner's rejection of claims 2, 4-6, 14, 16, 18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Picard and Kondo. Claims 2 and 4-6 depend from claim 1, either directly or indirectly.

As set forth above, Mochizuki and Picard fail to teach or suggest, at least, "a second control unit configured . . . to control the transmission unit not to start the second transmission if the transmission unit has not completed transmitting the first data, and to control the transmission unit to interrupt a third transmission of second data having the first identification information not corresponding to the second identification information of the command and to start the second transmission if the transmission unit is transmitting the third transmission of the second data and the transmission unit has completed transmitting the first data," as recited in amended claim 1 (emphasis added).

Kondo fails to cure the deficiencies of Mochizuki and Picard. The Examiner alleges that "Kondo et al. teach further comprising a third control unit configured to control the transmission unit to resume the first transmission interrupted by the second control unit, the third transmission interrupted being restarted after the command has

been transmitted (Fig. 4, paragraphs 0033-0034)." (Office Action at 5-6.) However, even assuming the Examiner's allegation is true, which Applicant does not concede, Kondo fails to teach or suggest at least the above listed claim elements as recited in amended claim 1 and required by claims 2 and 4-6 that depend from claim 1.

Therefore, none of Mochizuki, Picard, and Kondo, taken alone or in any reasonable combination, teaches or suggests all elements recited by claim 1 and required by claims 2 and 4-6. A *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claims 2 and 4-6.

Further, claims 14 and 16 depend from claim 13 and claims 18 and 20 depend from claim 17. Because claims 13 and 17, while of different scope, include similar recitations to those of amended claim 1, claims 13 and 17 are also allowable over Mochizuki in view of Picard and Kondo for at least the same reasons stated above. Applicant therefore also requests withdrawal of the Section 103(a) rejection of claims 14, 16, 18, and 20 at least due to their dependence from an allowable base claim.

Applicant respectfully traverses the Examiner's rejection of claims 7 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki in view of Picard and Yamaguchi. Yamaguchi also fails to cure the above deficiencies of Mochizuki and Picard.

Claims 7 and 10-12 depend from claim 1, either directly or indirectly. The Examiner alleges that "Yamaguchi et al. teaches the transmission unit utilizes a radio communication technique called Bluetooth (paragraph 0024), . . . the command includes an image display command used to command the receiving apparatus to display an

image of first image data included in the image data already transmitted to the receiving apparatus (abstract) . . . [and] the input unit designates the first image to display the image by the image display command if the input unit inputs an instruction to transmit the image display command (abstract)." (Office Action at 8-9.) However, even assuming the Examiner's allegation is true, which Applicant does not concede, Yamaguchi fails to teach or suggest at least the above listed elements of claim 1.

Therefore, none of Mochizuki, Picard, and Yamaguchi, taken alone or in any reasonable combination, teaches or suggests all elements recited by amended claim 1 and required by claims 7 and 10-12. A *prima facie* case of obviousness has not been established. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claims 7 and 10-12.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 5, 2007

By: _____
Wenye Tan
Reg. No. 55,662